AG PRESERVE PACKAGE

NOTE: Your application is public record and information regarding your application is available both in person at the Department of Planning and Building in the County Government Center and on the County Planning and Building Department's website. All references to names, addresses, telephone numbers, email addresses and project information are part of this public record. All applications must be filed under the property owner's name and address of the property that is the subject of the application; however, you may use an alternate contact address and telephone number.



Last update 1/2006

GENERAL INFORMATION

FILING FEE AND COST ACCOUNTING FORM

Filing fees are as required by the county fee ordinance for the following:

- Agricultural Preserve and contract application fee (which also applies to an amendment adding land to an existing preserve and/or modifying the terms of the contract).
- Land Conservation contract in a previously established agricultural preserve.
- Lot book guarantee to accompany the contract after the preserve is approved or amended: The fee charged by title companies normally ranges between \$100.00 and \$200.00 and is paid directly to the Title Company

OBJECTIVES OF THE PROGRAM

The objectives of the Agricultural Preserve Program, as provided by the California Land Conservation Act of 1965 or the "Williamson Act", is to protect agricultural lands (for continued production of food & fiber) and limited types of open space and outdoor recreation lands of statewide importance. Once a landowner enters into a contract with the county, the land is reassessed on the basis of the agricultural income producing capability of the land. This assures the landowners that property valuations and taxes will remain at generally lower levels.

The county's Rules of Procedure, which were first adopted in 1972, provide the standards for property eligibility and land use restrictions under the program. They also provide procedures for terminating contracts and monitoring the agricultural preserve program.

An agricultural preserve is established by landowner request. The primary incentive for a landowner is to reduce current and/or future property taxes. The program is designed for the property owner who is dedicated to the long-term use of the land for agricultural, recreational and open space purposes. Approximately 39% of the county is subject to land conservation contracts. We encourage your voluntary participation in the program to strengthen the agricultural economy of San Luis Obispo County.

WHAT IS THE DIFFERENCE BETWEEN AN AG PRESERVE AND A CONTRACT?

Establishment of an agricultural preserve is a prerequisite for landowners to enter into a land conservation contract with the county. A land conservation contract is a contract entered into by and between the property owner and lien holders (if any) and the county to enforceably restrict the use of the land for agricultural and compatible uses for a minimum term of 10 years or more. San Luis Obispo county contracts have minimum terms of 10 to 20 years, depending on property locations. Without recording a land conservation contract, a landowner will not receive any tax benefits.

WHAT KIND OF TAX REDUCTION WILL I GET?

Any landowner with property meeting the eligibility standards may apply to form an agricultural preserve and, once the preserve is approved by the Board of Supervisors, enter into a land conservation contract with the county. Following the recording of the contract, the property is reassessed on the basis of the agricultural income producing capability of the land instead of fair market value or Proposition 13 value. This assures the landowner that property valuations and taxes will remain at lower, stable levels. In exchange for the tax benefits of the program, the landowner agrees to keep the land in agriculture, open-space, or recreational use and in large parcel sizes related to the agricultural quality of the land or the existing use.

Landowners generally experience substantial property tax reductions. For more information, the county Assessor's Office (781-5643) should be contacted. Persons who purchased their farm or ranch since 1975-76 benefit the most because properties that have been conveyed since then are otherwise taxed based on fair market value. It should also be noted that a residence, other improvements, and the immediate residential site areas, are assessed at the normal rate and are not subject to reduced valuations and taxes under the program.

WHAT DO I HAVE TO GIVE UP IN EXCHANGE FOR THE TAX BENEFITS?

In exchange for the tax benefits of the program, the landowner (through the land conservation contract) agrees to keep the land in large parcels ranging from 20 acres for irrigated crops on Class I soils to 320 acres for grazing land on Class VI through VIII soils. The contract prohibits the creation of new parcels smaller than the minimum parcel size applied to the agricultural preserve (which is never smaller than 20 acres). The contract also prohibits separate conveyance of an existing parcel or group of parcels that would result in separate ownership smaller than the agricultural preserve minimum parcel size for new land division. However, an exception exists for a property located within a mile of an urban area or adjacent to a village area designated on the county's general plan. They would be allowed conveyances to the smaller minimum acreages indicated for program qualification. The contract also prohibits certain non-agricultural uses of the land (For more information, refer to the information bulletin "Agricultural and Compatible Uses for Lands Subject to Land Conservation Contracts").

HOW IS A LAND CONSERVATION CONTRACT RECORDED?

The contract is prepared by the applicant using the sample contract provided by staff. The signatures of owners, trust deed beneficiaries and/or mortgagees as identified in a current title company lot book guarantee or preliminary title report must be notarized. The signed contract and title company report are submitted to the Department of Planning and Building for review and approval. The contract is then scheduled for approval on the Board of Supervisor's consent agenda. After Board approval, the contract is recorded. All contracts must be recorded by the end of December in a given year in order for the property to be reassessed beginning the following year.

HOW DO I GET OUT OF A LAND CONSERVATION CONTRACT?

The minimum term of a contract is 20 years, except for properties located within one mile of an urban reserve line or adjacent to a village reserve line. These properties are eligible for a 10 year minimum term contract. 10 years after the execution of a 20 year contract, it becomes, in effect, a 10 year contract. Beginning on the first year following the execution of a 10 year contract, one year is automatically added for each year that elapses to maintain an ongoing 10 year contract unless a notice of nonrenewal is filed.

- A. Nonrenewal. Nonrenewal is the most common method for a landowner to terminate a land conservation contract. All that is required is for the landowner to serve a notice of nonrenewal. Once a notice of nonrenewal is served, it takes 9 to 10 years for the contract to expire. A notice of nonrenewal can only be served after the first 10 years of a 20 year contract has expired. Once the landowner serves a notice of nonrenewal on the county, the property assessment and taxes will usually increase substantially the first year of the contract nonrenewal period and continue to increase to fair market value by the end of the period.
- B. <u>Cancellation</u>. A property owner may request cancellation of a land conservation contract in order to terminate the contract on all or a portion of the property within one year after an application is accepted for processing. However, cancellation can be approved only under <u>extraordinary circumstances</u> as provided in state law. Staff can provide a copy of the required findings at your request. Also there is a substantial fee that is required to be paid to the state for cancellation.

HOW LONG WILL THE PROCESS TAKE AND WHEN DO I HAVE TO SUBMIT MY APPLICATION?

It takes at least four to six months to process an agricultural preserve application and land conservation contract. Agricultural preserve applications may be submitted at anytime and are processed throughout the year. However, applications must be submitted to the county Planning and Building Department by the end of June in any given year to allow sufficient time for contracts to be recorded (by the end of December) in time for the following year's reassessment and property tax reductions.

ELIGIBILITY CRITERIA

An individual property must satisfy these minimum standards (these are for eligibility, not for subsequent land division):

LAND USE CATEGORY

The property must be within a rural land use category. If the land is not already within the Agriculture land use category, a general plan amendment will be processed by the county to change the land use category to Agriculture after the agricultural preserve request is approved.

MINIMUM SIZE REQUIRED

All preserves are to be at least 100 acres in size, except where the land is considered "Prime Land" as defined in the Rules of Procedure, in which case the preserve may be 40 acres in size. Preserves may consists of either a single ownership or contiguous ownerships of a least 10 acres per ownership, if each ownership meets the eligibility requirements as follows:

For a 100 acre minimum agricultural preserve size:

Site must contain at least 100 acres of Class III or IV soils that are not irrigated

Site must contain at least 100 acres of Class VI or VII soils that are not irrigated where those soil types are moderately to well suited for rangeland as described in the Natural Resources Conservation Service Reports (*Class VIII land cannot be used for eligibility to participate in the Ag preserve program)

For a 40 acre minimum agricultural preserve size (Must have 40 acres or more of prime land and consist of one or more of the following properties):

Site must contain at least 10 acres of Class I or II soils that are irrigated

Site must contain at least 20 acres of Class III, IV, VI or VII soils that are developed with irrigated Orchards and/or Vineyards

Site must contain at least 40 acres of Class III or IV soils that are in other irrigated crops

SPECIAL PROVISIONS

For properties that are not at least 40 acres in size the following apply:

- A landowner whose property qualifies individually but doesn't have enough acreage for its own preserve can add property to an existing preserve to equal or exceed the required preserve size.
- 2. A landowner who already has property under contract and acquires adjacent parcels of any size can add these parcels to the existing preserve and contract.

- 3. A landowner whose property qualifies individually and doesn't have enough acreage to meet the required preserve size, but is adjacent to public land or land in an open space easement can create a preserve of a smaller size.
- 4. A landowner whose property consists of discontiguous parcels that together meets all the eligibility and preserve size requirements can qualify for a preserve and a single contract.

MIXED AGRICULTURAL POTENTIAL OR USE

Where the property has intermixed land capability (soil type) or agricultural use, the qualifications are determined by calculating whether the total of the fractional portions of each type of use or soil is one or more. If so, then the property would qualify for an agricultural preserve. For example:

An 80 acre total property size with 15 acres in irrigated orchard and 65 acres in grazing.

- Since irrigated orchard requires a minimum of 20 acres to qualify, divide the 15 acres of use by the 20 acres to qualify, equaling .75.
- 'Since grazing requires a minimum of 100 acres to qualify, also divide the 65 acres of use by the 100 acres to qualify, equaling .65.
- Adding those two fractional portions together equals 1.40. That number is greater than one and so the property would qualify for an agricultural preserve.

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REQUIRED CONTENTS

The following information is required to be submitted with your application. If any information is missing, your application may be returned to you until such time as all required materials are included with the submittal.

FORMS – These forms are all included in this application package

- * Completed General Application Form
- * Consent of Landowner Form (if applicant does not own the property)
- * Completed Ag Preserve Application Form
- Signed Information Disclosure Form

FEES

Application Fee - Fees will be calculated at the time of submittal

PLANS

Site Layout Plan - an accurate drawing of the property. The site plan must show the following items (where they apply to your site):

- * Exterior boundaries and dimensions of the entire site
- North arrow and scale.
- * Location of of principal agricultural uses (irrigated, dry farm, and grazing lands), other significant land uses, residences, barns, and road access..
- * Where applicable, provide either a letter from the landowner or lessee elaborating on agricultural uses, operations, and physical characteristics where the agricultural eligibility of the property is questionable, or letters and documents describing the unique environmental features of the property if the application is based on the open space or outdoor public recreation standards.

COPIES OF PLANS

Full-Sized Plans

7 copies of all drawings in a full-size format (larger than 11 by 17 inch page)

Reductions

- * 8 copies of all drawings reduced to the size of an 8-1/2 by 11 inch page.
- ★ 1 copy of all drawings reduced to the size of an 11 by 17 inch page.

OTHER INFORMATION

Abandoned oil and gas wells - if applicable - information is available from the California Division of Oil & Gas, P.O. Box 227, Santa Maria, Ca. 93456, (805) 925-2686.

GENERAL APPLICATION FORM

San Luis Obispo County Department of Planning and Building

File No _____

APPLICATION TYPE ☐ Ag Preserve - Establish or Amend				
APPLICANT INFORMATION Check box for contact person	on assigned to this project			
□ Landowner Name				
Mailing Address				
Email Address:				
□ Applicant Name	Daytime Phone			
Mailing Address				
Email Address:				
☐ Agent Name	Daytime Phone			
Mailing Address	Zip			
Email Address:				
PROPERTY INFORMATION				
Total Size of Site: Assessor Parcel Nur	ımber(s):			
Legal Description:				
Address of the project (if known):				
Directions to the site - describe first with name of road provi	viding primary access to the site, then			
nearest roads, landmarks, etc.:	• •			
Tiediest Todus, Iditumarks, etc				
Describe current uses, existing structures, and other improv	vements and vegetation on the property:			
PROPOSED PROJECT				
Describe the proposed project (inc. sq. ft. of all buildings):_				
LEGAL DECLARATION				
I, the owner of record of this property have completed this for				
statement here are true. I do hereby grant official represen-	ntatives of the county authorization to			
inspect the subject property.				
Property owner signature	Date			

CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building

File No

I (we) the undersigned owner of record of the fee interes address):for which a	identified as Assessor Parcel Number construction permit, land use permit, land
division, general plan or ordinance amendment, or LAFCo a county requesting an approval for: example: addition to a single family residence; or general plants	application referral is being filed with the
1. Such application may be filed and processed with mauthorized the agent named below to act as my (our) agent in all necessary permits in connection with this matter.	
2. I (we) hereby grant consent to the County of San Luis independent contractors, consultants, sub-consultants and the the property identified above to conduct any and all surve appropriate by the inspecting person or entity to process this governmental entities other than the county, their office contractors, consultants, sub-consultants, and their office governmental entities are providing review, inspections and sthis application. This consent will expire upon completion of	eir officers, agents, and employees to enter tys and inspections that are considered application. This consent also extends to trs, agencies, employees, independent ters agents or employees if the other surveys to assist the county in processing
3. If prior notice is required for an entry to survey or ins	pect the property. Please contact:
Print Name:	
Daytime Telephone Number:	
4. I (we) hereby give notice of the following concealed the property	
Person or entity granting consent: Print Name:	
Print Address:	
Daytime Telephone Number:	
Signature of landowner:	Date:
Authorized agent: Print Name:	
Print Address:	
Daytime Telephone Number:	
Signature of authorized agent:	Date:

AG PRESERVE APPLICATION FORM

San Luis Obispo County Department of Planning and Building File No _____

APPLICATION TYPE ☐ Establish Preserve and Enter into Contract ☐ Amend existing Preserve and Contract (e.g.: add property or parcels to preserve and/or enter into new or amended contract) ☐ Enter into Contract or amended Contract for property in existing preserve				
OWNERSHIP INTEREST List all landowners not show and/or Mortgagees (all of warmendment is approved):				
NAME INTEREST	ADDRESS		TYPE OF O	WNERSHIP
EXISTING LAND USES	<u>TYPE</u>		<u>ACI</u>	<u>RES</u>
IRRIGATED CROPS				
DRY FARM CROPS				
DRY LAND GRAZING	Open Grassland			
		r		
	Dense woodland or	Chaparral		
OTHER USES (MINING, R	ECREATION, ETC.)			
UNUSED (OPEN SPACE)				
UNUSED (OF LIN SPACE)				
EXISTING AGRICULTURA	AL INFORMATION			
FOR IRRIGATED LAND:				
Irrigation well production: _	gpm	Well depth:	feet	
Storage tank capacity:		Other water impound	dments:	acre feet
Irrigation Method: Furi	·	•		
Multiple cropping: Number of irrigated crops harvested on same acreage each year.				

FOR ORCHARDS OR VINEYARDS:	
Orchard □ Vineyard □ Year Planted	
Commercial production at presenttons per acre AND Anticipated production	at full
bearing tons per acre	
FOR DRY FARM GRAIN AND HAY:	
Planted every year? ☐ Yes ☐ No OR Once every years	
GRAZING:	
Type of Livestock:	
Number of head normally grazed on property:	
Is the property fenced? ☐ Yes ☐ No Water source(s) for livestock:	
Is the property grazed yearlong? $\ \square$ Yes $\ \square$ No $\ $ If no, what months is the land $\ $ g	razed:
though	
OTHER USES:	
Other animal, nursery or specialty uses?	
Any proposed changes to the agricultural uses in the near future? ☐ Yes ☐ No	
If yes, please describe:	
OPERATOR:	
The farm or ranch is operated by: Owner Lessee Lessee Name:	

INFORMATION DISCLOSURE FORM

San Luis Obispo County Department of Planning and Building File No ______

TIME LIMITS FOR PROCESSING AND PUBLIC NOTICE DISTRIBUTION REQUIREMENTS - California state law (California Government Code Section 65941.5) requires that the county provide the following information to applicants when a permit application is filed:

Not later than 30 days after a land use or land division application is received, the county must notify the project applicant or designated representative in writing either that the application is complete, or that items are necessary to complete the application. If you are not notified in writing, the application is considered complete. Any land use or land division application must be approved or denied within three months of adoption of the Negative Declaration or determination that the project is exempt, or within six months of the certification of an Environmental Impact Report. The County of San Luis Obispo processes the land use application and the environmental review concurrently, so these decisions are made simultaneously. (Government Code Sections 65943 and 65950 et. seq.)

A project applicant may make a written request to the county, to receive notice of any proposal to adopt or amend the general plan and the land use, real property division, building and construction, road name and addressing, and growth management ordinances which might reasonably be expected to affect that applicant's project. The county offers a subscription service for notification of either: (1) all applications received by the county, or (2) Planning Commission agendas. The cost for each of these services is established by the county fee ordinance. (Government Code Section 65945, 659453, and 659455)

When a property was created through recordation of a final or parcel map, and it is within five years of recordation, the county can not withhold or condition the issuance of building permits for residential units based on conformance with conditions that could have been imposed as conditions of the tentative map except where: (1) A failure to do so would place subdivision residents or residents in the immediate area in a condition perilous to health, safety or both; or (2) The condition is required in order to comply with state or federal law. (Government Code Section 65961)

Copies Government Code Sections are available at the County of San Luis Obispo Law Library, County Government Center, San Luis Obispo, Ca.

RIGHT TO FARM DISCLOSURE - The County of San Luis Obispo recognizes the statewide policy to protect and encourage Agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Chapter 5.16. of the San Luis Obispo County Code protect certain, pre-existing agricultural production and processing operations ("agricultural operation") from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts which are protected by law. In order for the agricultural operation to be protected, the following requirements of Civil Code sections 3482.5, and 3482.6 must be satisfied: (1)The agricultural operation must be conducted or maintained for commercial purposes; (2)The agricultural operation must be conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality; (3)The agricultural operation predated the affected use(s) on your property; (4)The agricultural operation has been in existence for more than three years, and (5)The agricultural operation was not a nuisance at the time it began.

If your property is near an agricultural operation in the unincorporated area of the County, which satisfies the above requirements, you may at times be subject to one or more inconveniences and/or discomfort arising from that operation. Such inconveniences may include (depending upon the type of agricultural operation protected), but are not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts, night time lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the Right to Farm Ordinance, or concerns with an agricultural operation, please contact the San Luis Obispo County Agricultural Commissioners Office."

HAZARDOUS WASTE AND SUBSTANCE SITES AND LANDFILL DISCLOSURE - Please verify whether your project is on the Known Hazardous Waste and Substances Sites List pursuant to AB 3750 and if you are within ½ mile of certain landfills (see back of sheet)

PLEASE COMPLETE AND SIGN BELOW

I acknowledge that I have read and understand the information and policy and detailed above: (1) Time Limits for processing and (2) Public Notice Distribution requirements and (3) the Right to Farm Disclosure.

AND I acknowledge that I have reviewed the list of Identified Hazardous Waste and Substances Sites List and the landfill disclosure on the back of this form and find the following: (1) The site is not shown on the list of Identified Hazardous Waste and Substances Site; (2) The site is shown on the list dated April 1998, or any later list published by the State Office of Planning and Research and (3) I have read the disclosure statement on landfill operations.

Signature Date		Date
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San Luis Obispo County **Identified Hazardous Waste Sites - April 1998**

IMPACT CITY: ARROYO GRANDE

Site: Union Oil Co - Santa Maria

Location: Willow Rd. north of

Guadalupe

City: Arroyo Grande Zip:

93420

Source: DHS1

IMPACT CITY: CAMBRIA

Site: Hampton Hotel Location: 2601 Main Street Zip: 93428 City: Cambria Source: WRCB Problem: Tank

Leak

Site: Cambria General Store Location: 850 Main Street City: Cambria Zip: 93428 Source: WRCB Problem: Tank

Leak

Site: Chevron

Location: 2194 Main Street City: Cambria Zip: 93428 Source: WRCB Problem: Tank

Leak

IMPACT CITY: CAYUCOS

Site: Chevron

Location: 12 N Ocean Blvd Zip: 93430 City: Cayucos Source: WRCB Problem: Tank

Leak

Site: Bob's Corner Store Location: 198 N Ocean Blvd Zip: 93430 City: Cayucos Source: WRCB Problem: Tank

Leak

IMPACT CITY: CHOLAME

Site: Hearst Corp Location: Highway 46 Zip: 93431 City: Cholame Source: WRCB Problem: Tank

Leak

IMPACT CITY: LOS OSOS

Site: Los Osos Valley Garage Location: 1099 Los Osos Valley Road

City: Los Osos Zip: 93402 Source: WRCB Problem: Tank

Leak

Site: Los Osos Landfill Location: Turri Road

City: Los Osos Zip: 93402 Source: CIWMB Problem:

Grndwt Cont

IMPACT CITY: LOS PADRES

Site: Ozena Station Location: Highway 33

Zip: 93023

Source: WRCB Problem; Tank

Leak

IMPACT CITY: NIPOMO

Site: Hemerick Location: 600 Hill St

City: Nipomo Zip: 93444 Source: WRCB Problem; Tank

Leak

IMPACT CITY: OCEANO

Site: Bell Craig (form serv

station)

Location: 1899 Cienega City: Oceano Zip: 93445 Source: WRCB Problem: Tank

IMPACT CITY: PASO ROBLES

Site: Camp Roberts Site 936 Location: Highway 101 City: San Miguel Zip: 93451 Source: WRCB Problem; Tank

Leak

Site: San Paso Truck & Auto Location: Wellsona Road City: Paso RoblesZip: 93446 Source: WRCB Problem; Tank

Leak

IMPACT CITY: SAN LUIS OBISPO

Site: Unocal Tank Farm Facility Location: 276 Tank Farm Rd Citv: SLO Zip:

93401

Source: WRCB Problem: Tank

Leak

Site: Hearn Trucking Location: 4902 Edna Rd

City: SLO Zip: 93401

Source: WRCB Problem: Tank

Leak

Site: Camp San Luis Obispo Location: Hwy. 1 west of Hwy.

101

City: San Luis Obispo Zip:

93401

Source: WRCB Problem: Tank

Leak

Site: SLO Golf & Country Club Location: 255 Country Club City: San Luis Obispo Zip:

93401

Source: WRCB Problem: Tank

Leak

IMPACT CITY: SAN SIMEON

Site: Chevron

Location: 9540 Castillo Drive City: San Simeon Zip: 93452 Source: WRCB Problem: Tank

Leak

IMPACT CITY: SANTA MARGARITA

Site: Kaiser Sand & Gravel Location: El Camino Real City: Santa Margarita Zip:

93453

Source: WRCB Problem: Tank

Leak

Site: Pacific Beverage

Location: 22255 El Camino Real City: Santa Margarita Zip:

93453

Source: WRCB Problem: Tank

Leak

IMPACT CITY: TEMPLETON

Site: Templeton Mobile Location: 701 Las Tablas City: Templeton Zip: 93465 Source: WRCB Problem: Tank

Leak

LANDFILL OPERATIONS DISCLOSURE

EL POMAR/ESTRELLA PLANNING AREA

If your site is located within 1/2 mile of either the Paso Robles Municipal or the Chicago Grade Landfills (see maps on file with the Department of Planning and Building), this acts to notify you of your proximity to a landfill operation and all of the associated inconveniences and discomforts resulting from the continuing and future operation of such landfill, including possible expansions. Persons living near landfills may contact the California Integrated Waste Management Board (916) 341-6413 to seek available remedies concerning any improper or unlawful activities at the landfill.